[Mr. V. Subba Aiyar.]

Regulation of Speed of Motor Traffic.

109. MR. A. HOOGEWERF (*Nominated*) : (*a*) Is there at present any rule regulating the speed at which motor vehicles may run in the town, and, if so, what is the rate of such speed ?

(*b*) If no such rule is in force, will the Government be pleased to fix the maximum rate of speed at which such vehicles may run ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) : (*a*) The member's attention is invited to Government Notification R. Dis. No. 1801/24, dated the 26th June, 1924, published on page 133 of the *Government Gazette* dated the 1st July, 1924—Police Sheet.

(*b*) In view of the answer given above, this question does not arise.

LEGISLATION.

The Nayar Regulation Amendment Bill.

PRESIDENT : We will now proceed with the final reading of the Nayar Regulation Amendment Bill.

MR. K. PARAMESWARAN PILLAI (*Tiruvalla*) : Sir, I move that the Nayar Regulation Amendment Bill be taken up for third reading.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I second the motion.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : Sir, before the Bill is finally read, I have to suggest a few amendments mainly of a verbal nature. I believe they will be acceptable to the House.

My first amendment is that, in Clause 1, sub-clause (1), the following may be added at the end :

"and it shall come into force on the 1st Chingam 1101."

I may explain what the amendment means. There is no provision in the Bill as to when it should come into force. Therefore, under the General Clauses Regulation, it will come into force on the date of publication in the *Gazette*. In the first place, there is inconvenience ; because many years after, we will have to know when this Regulation came into force. The line of inheritance will depend upon the provisions of the Regulation, whether a man died before the commencement of the Regulation or after. Secondly, some of the Nayar members of this House and outside suggested to me the desirability of bringing it into force from the 1st Chingam 1101. I accepted that on the ground that there are some provisions in the Bill which make some radical changes and if the Bill is published in the *Gazette*, some time, let us say, in Minam or Medam, there may not be much time for the people of the whole country to know what the provisions are. To illustrate my position, I may

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say that monogamy is prohibited by Clause 8 and polygamy will therefore be punishable under the Penal Code. Similarly, under another section, after a marriage, information of the marriage has to be given to a certain officer. So that in these cases, unless we are in a position to know that the whole community in the State are aware of the provisions of the Bill, I do not think it will be safe to penalise persons who are illiterate and who do not know what are the provisions of the Bill. It is not enough if the members of this House and those who are well-educated know it. The lower strata of the society should also know the provisions For these reasons some of the Nayar members wanted me to put in that provision and it appeared to me that it was reasonable. So I put it in. Under the rules the amendment has to be moved by the Government. Therefore, I move this amendment. I may say that the Government are not very particular about the date when the Regulation comes into force. It is left to the House to say when the Regulation should come into force. Since I was requested to put in that suggestion, I have moved the amendment that the Regulation shall come into force from the 1st Chingam 1101.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second the motion.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, with your permission, I would like to propose an amendment to the amendment moved by Mr. Subba Aiyar. My amendment is that, instead of "1st Chingam 1101," "1st Medam 1100" be substituted.

PRESIDENT: Two months hence?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes. The Regulation will come into force, according to my amendment, on the 1st Medam 1100.

PRESIDENT: Don't you think the interval is too short?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not think so for this reason. At the very outset, I will submit that all the other verbal amendments to be proposed hereafter by Mr. Subba Aiyar have my entire support. But in regard to this matter, I feel some doubt. My proposal to Mr. Subba Aiyar is that I will accept the amendment provided that it shall come into force on the 1st Medam 1100. The only reason given by Mr. Subba Aiyar is that it will take some time before the members of the community become acquainted with the provisions of this Regulation and that therefore it will be advantageous to give longer time, so that they may be acquainted with the provisions. Taking into consideration the great literacy among the community to which this Regulation applies, and also taking into consideration the fact that this matter has been before the public through the press and the platform for a very long time, I do not think any further time need be given to afford the members of the community an opportunity to know the provisions of this Regulation. There is a great volume of opinion in favour of bringing the Regulation into force as early as possible. The only provisions about which there will be some difficulty are in regard to monogamy and divorce; and in regard to other provisions, namely, the

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[Rao Bahadur K. A. Krishna Aiyangar.]

provisions relating to partition and devolution of property, the persons whom the law would affect should not be allowed to get out of the Bill. The only provisions which will affect them are the provisions regarding monogamy and divorce. It appears to me that it is not good policy to give opportunity for people to take in a second wife during the interval before the Regulation comes into force. On the other hand, if anybody is desirous of doing so, I think the two months allowed by me will be sufficient. Those are the two provisions in regard to which people may want some time. I submit that public policy requires that we should not give them any time to get out of these beneficial provisions. I may also submit, Sir, that this Council took a great deal of trouble in trying to see that this Bill became law during the life-time of this Council itself. And it behoves us therefore to see that real effect is given to it as early as possible instead of putting it off to 1st Chingam or a later date. I, therefore, propose that 1st Medam 1100 be substituted for 1st Chingam 1101 in the amendment proposed by Mr. Subba Aiyar.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I second the amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I have already pointed out the difficulty. My friend says that we should not allow time to people to divorce the existing wives or to go in for more wives. Therefore he says that the Bill should be brought into operation within two months. I do not know whether two or three months later people will be running after more wives. If a man does not give information under a certain clause, he is liable to be prosecuted before a Court and convicted for the offence of not giving information. In as much as there are penal provisions in the Bill, I thought it will be better to put it off to 1st Chingam 1101. After all from 1st Medam to 1st Chingam it is only four months; it is not much. I may say, to allay the anxiety of my friends, that I am also wishing to pass the Regulation as early as possible.

PRESIDENT: Government have to pass rules under certain sections of the Regulation and appoint functionaries.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. The Government will have to make rules in regard to notice also. For, this is what is stated:

"Notice of a marriage under this Regulation shall be given by the husband to such authority, in such form, and within such time as the Government may prescribe."

So that, for a marriage notice is necessary and the Government have to draft rules in regard to the form of notice and the authority to whom the notice is to be given.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is there not the desirability of Government regulating and prescribing proceedings regarding divorce also?

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MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. Under Clause 8, Government have to frame rules regarding the appointment of delegates etc. That also will entail some delay. Under these circumstances, I do not think my friend need insist upon the Bill becoming law within two months. The earliest time when the Regulation can be published in the *Gazette* is Minam. The whole thing has to be translated and it can be published only after receiving Her Highness' assent. That will be about Minam. The rules will have to be framed and translated only after that. All this will take some time and I do not think that a delay of three or four months will be very great.

PRESIDENT: Mr. Paramesvaran Pillai, you are making it very difficult for the Government. Elaborate rules will have to be framed on many matters and translations have to be published. All that cannot be done in the course of two months. It is physically impossible.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think it will be possible to publish the rules within one month after receiving Her Highness' assent. The publication can be made only in Minam. The date proposed by him is Medam. My amendment is that it should come into force on the 1st Chingam 1101. It is only a difference of four months and I think it will not make much difference. Anyhow, 1st Medam is rather too early.

PRESIDENT: If the rules are to be properly framed and if they are to be free from defects, some time is required.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): If Mr. Subba Aiyar stays, he will be able to do all these within that time.

PRESIDENT: If he does not stay? He will go day after tomorrow. You cannot have the services of Mr. Subba Aiyar thereafter unless you engage him and pay him a fee. 1st Chingam 1101 is a definite land-mark. Personally I think that period will be most convenient. I do not want to influence the House. I think everything will be facilitated by putting off the date for some time.

Do you want me to put this motion to the vote of the House, Mr. Paramesvaran Pillai?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I press it.

The amendment was put to the vote and lost.

PRESIDENT: May I take it that the House accepts Mr. Subba Aiyar's amendment?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I oppose that amendment. The Regulation can come into force from the date of publication in the *Gazette*. If we leave the power in the hands of the Government, they can put off the publication as long as they like.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I daresay Mr. Paramesvaran Pillai wants the Government to take the

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[Mr. S. Parameswara Aiyar.]

responsibility and the odium of having delayed it. That is what I do not wish to undertake (*Laughter*).

The motion was put to the vote and carried.

Clause 3.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, Clause 3, in line 14, "recognised" be substituted for "adopted". My object in adopting that word is that it is better than the existing one.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

The amendment was carried.

PRESIDENT: The question is that Clause 3 as amended form part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 5.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in Clause 5, line 1, the word "herself" be inserted between "shall" and "be". The amendment is purely verbal.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

The amendment was carried.

PRESIDENT: The question is that Clause 5 as amended form part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 7.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause (1) (c), line 4 of Clause 7, the word "adultery" be substituted for "offence". The offence as mentioned in the previous paragraph is only adultery. It cannot be any other offence. Therefore, I move the amendment.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): My next amendment is to substitute 'sub-section (2)' for "sub-clause (2)" in line 1, sub-clause (3) of Clause 7. It is usually called "section" after it becomes law and not 'clause.' Therefore, it must be 'sub-section (2)' and not 'sub-clause (2).'

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

The amendment was carried.

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MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that the words "by Government" be inserted between "framed" and "under" in sub-clause (4), line 1.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the very same section the second paragraph is in need of an amendment. That amendment is not in the list. The first paragraph in the sub-section refers to appeal. The second paragraph refers to cases where appeals will not lie. I think it will be better to insert the word "provided that" at the commencement of the second paragraph to show that it is an exception. I therefore move that the words "provided that" be inserted before the word "no" in the second paragraph, line 1.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause 4, paragraph 2, lines 4 and 5, the words "and on no other grounds" be deleted. If the clause had been put in the affirmative form and then these words are inserted at the end, I can understand it. But, as it is put in the negative form, the words "and on no other grounds" are absolutely unnecessary.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause 5, line 3, the word "executable" be substituted for "executed".

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause 6, line 2, the words "of this Section" be inserted after "sub-section 8".

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

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[Mr. S. Parameswara Aiyar.]

PRESIDENT: The question is that Clause 7 as amended form part of the Bill.

The motion was carried and the Clause as amended was added to the Bill.

Clause 8.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause (1), line 1, the word "of" be inserted between the words 'or' and 'a'.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second the motion.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in line 2, the words "and performed after the commencement of this Regulation" be inserted between the words "marriage" and "is". This is with reference to the provisions about monogamy and marriage. Even without this, it will be interpreted like that. But it is better for the sake of uniformity of language to have the words inserted.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

PRESIDENT: The question is that Clause 8 as amended form part of the Bill.

The motion was carried and the Clause as amended was added to the Bill.

Clause 24.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that, in line 1, the following words be inserted before the word 'any':—

"Notwithstanding anything contained in Section 1 of this Regulation".

Mr. T. K. Velu Pillai made a strong argument of the fact that this House had no business to say anything about the Wills Regulation when we were considering the Nayar Regulation Amendment Bill. In order that such objection may not be raised, I think it may be made plainer by the addition of these words.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second the motion.

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PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

PRESIDENT: The question is that the Clause 24 as amended form part of the Bill.

The motion was carried and the Clause as amended was added to the Bill.

Clause 31.

MR. V. SUBBA AIYAR (*Additional Head Sikar Vakil*): I move that, in line 1, the words "in a suit" be deleted. I may explain what that means. The Clause runs as follows:

"No decree shall bind a tarwad unless it is obtained in a suit against the karanavan as such and the senior anandaravan of his thavazhee and of every thavazhee collateral to the same, if any".

Of course, it may not always necessarily be a decree in a suit. An order passed in the execution proceedings may be a decree. And similarly orders passed under various circumstances may be decrees. Hence the words "in a suit" have to be omitted.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

PRESIDENT: The question is that Clause 31 as amended form part of the Bill.

The motion was carried and the Clause as amended was added to the Bill.

Clause 34.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in sub-clause (2) (1), line 1, the word "have" be inserted after the word "or" at the end.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

PRESIDENT: The question is that Clause 34 as amended form part of the Bill.

The motion was carried and the Clause as amended was added to the Bill.

Clause 40.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that, in line 2, the word "the" be inserted at the end.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the amendment.

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[President.]

PRESIDENT: I take it that the House accepts the amendment.

The amendment was carried.

PRESIDENT: The question is that Clause 40 as amended form part of the Bill.

The motion was carried and Clause 40 as amended was added to the Bill.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to move that the Bill as amended may be passed.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I beg to second the motion.

PRESIDENT: I take it that the House accepts the motion.

The motion was carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Resolution Re-Throwing open of all roads to all classes.

The following resolution being identical with the one that had been already disposed of was not moved:

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): This Council recommends to the Government that all roads round the Vaikam temple and all roads similarly situated be thrown open to all classes of His Highness the Maha Raja's subjects without distinction of caste or creed".

PRESIDENT: The next two resolutions stand in the name of Mr. M. N. Pillai. He is not present. Therefore the resolutions lapse.

The following Resolutions were accordingly deemed to have been withdrawn.

Retirement of Foreigners in Service.

MR. M. N. PILLAI (*Trivandrum*): This Council recommends to the Government that all officers who are not born subjects of His Highness the Maharaja and who have completed a service of 25 years be retired."

Elected President for Trivandrum Municipality.

MR. M. N. PILLAI (*Trivandrum*): This Council recommends to the Government that the Trivandrum Municipality be allowed to elect its own President.

PRESIDENT: The next resolution stands in the name of Mr. P. K. Narayana Pillai. He is unable to be present now and he has asked me to adjourn it till after lunch. I will take it up then. The next one stands in the name of Mr. K. Paramesvaran Pillai.

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